

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
APRIL HUDSON)
)
 v) No. 11-0308
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/charges)
in Dolton, Illinois.)

Chicago, Illinois
May 17, 2011

Met pursuant to notice at 11:30 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MS. APRIL HUDSON
1408 Kasten Drive
Dolton, Illinois 60419
appeared pro se, telephonically;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
appeared for Respondent.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Examiner</u>
NONE					

E X H I B I T S

<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 JUDGE RILEY: Pursuant to the direction
2 of the Illinois Commerce Commission, I now
3 call Docket No. 11-0308. This is a complaint by
4 April Hudson versus Commonwealth Edison Company as
5 to billing and charges in Dolton, Illinois.

6 Ms. Hudson, due to a disability is
7 proceeding via telephone.

8 Ms. Hudson, you are also proceeding
9 without counsel at this point, is that correct?

10 MS. HUDSON: That's correct.

11 JUDGE RILEY: Let me advise you that at any time
12 you do want to retain counsel, you are entitled to
13 do so.

14 MS. HUDSON: Okay.

15 JUDGE RILEY: Mr. Goldstein, would you enter an
16 appearance for the record.

17 MR. GOLDSTEIN: For Commonwealth Edison Company,
18 Mark L. Goldstein, 3019 Province Circle, Mundelein,
19 Illinois 60060. My telephone number is
20 847-949-1340.

21 With me today is Monica Merino of
22 ComEd.

1 JUDGE RILEY: Thank you.

2 And at this time, Ms. Hudson, let's
3 make sure we know what your complaint is. Is it
4 simple enough to say that you feel you've been
5 overbilled?

6 MS. HUDSON: Yes, sir. Yes, sir. I feel that
7 I've been overbilled because back in September of
8 2010 I was on the budget. And my budget billing
9 payment -- the current payment for September 7th of
10 2010, it says current budget balance was 138. And
11 it says previous budget balance for the payment that
12 I supposed to have made was 41.58. So around that
13 time I was going to CEDA and CEDA tells you that if
14 you are going to get assistance from them for a bill
15 or whatever you may have to pay, that they'll pay
16 the bill and don't make a payment for that month,
17 you know, because if you make a payment then you
18 won't get the money. And so they said, Well, don't
19 worry, even if you're on the budget, you know, you
20 make sure that the bill you have for this month be
21 paid. I said, Okay.

22 Then comes October of 2010 --

1 October 7 of 2010, I got a letter in the mail and it
2 said again, budget billing amount 138, but under
3 there it says, budget amount due on October 7th is
4 \$520. But prior to that 520 they sent me a letter
5 saying that I owe 200.

6 And then for November of 2010, I got a
7 letter in the mail and it said, previous balance was
8 520. At this point I had been knocked off the
9 budget. Nevertheless, on top of that, when I moved
10 here they combined a bill from my previous address
11 to my old address leaving me with trying to get
12 assistance from CEDA for one time payment where I
13 could get my whole entire bill paid in full. I
14 believe it was like 480 some dollars that CEDA put
15 on the paper that I owed for the bill, ComEd granted
16 it, paid it off, but some kind of way I ended back
17 up with a bill of 580 some dollars prior to what I
18 had been paying in, you know, light bills every
19 month.

20 And I called and I tried to reconcile
21 and they were telling me, No, you got to pay this
22 amount. And I said, Well, you knocked me off the

1 budget and I've been making my payments. And the
2 monies that was due for the previous bill was paid
3 off, you know, when CEDA signed me up on the
4 program.

5 JUDGE RILEY: Okay.

6 MS. HUDSON: And so from there I've just been
7 getting big humongous bills and still been trying to
8 rectify it, but I haven't paid a bill in awhile
9 because all the charges that was charged to me I
10 didn't feel that I owed. And I just called the
11 Commerce Commission and I said, This bill is still
12 incorrect. So I haven't paid a bill since what,
13 November of 2010 -- not November, before November,
14 let's see -- I guess it started in October when I
15 started calling, around the 7th.

16 JUDGE RILEY: And this was just last year?

17 MS. HUDSON: Yes, sir. Yes, sir.

18 JUDGE RILEY: Let me get Commonwealth Edison's
19 response to this now.

20 MR. GOLDSTEIN: Yes, Judge.

21 MS. HUDSON: Okay.

22 MR. GOLDSTEIN: The last payment that

1 Ms. Hudson actually made was in June of 2010. In
2 June of 2010, the Company granted her a special
3 hardship payment of \$444. Her LIHEAP payment -- a
4 LIHEAP payment was made on her behalf in October of
5 2010, for \$128. Other than that, she has not paid
6 in about a year on her electric bill and that's why
7 her bill is so high.

8 She got off the budget plan because
9 she's not paying the bill on a monthly basis. We
10 can't offer her a budget plan. If she wants to
11 enter into another type of deferred payment
12 arrangements where we remove the request for a
13 deposit and for all the late payment charges, we're
14 happy to do that. But that's about all we can do,
15 Judge.

16 JUDGE RILEY: Ms. Hudson, does that sound
17 acceptable to me?

18 MS. HUDSON: To me, your Honor, that's not fair.
19 I mean, I would appreciate the monies being knocked
20 off for the late payments and for the other thing
21 that he mentioned, but what about the, you know, for
22 me being overcharged for those months, it started in

1 October, then it went from October to November --
2 no, it started in September, then it went to
3 October, from October to November.

4 I live alone. And I'm not using
5 electrical services like that, you know. Most of
6 the time I don't even cook. I don't leave things
7 plugged up in my home. The only thing that's
8 plugged up in my house is my refrigerator and my
9 stove. I don't even leave appliances plugged up
10 such as TV, even washer and dryer.

11 So, I mean, I still feel that I've
12 been overcharged and I feel that they added the
13 money back onto my bill that was paid off. And I'm
14 not trying to get over -- I'm not trying to
15 recognize that I have a bill to pay, because true
16 enough nobody can use the services and not pay.

17 JUDGE RILEY: Right.

18 MS. HUDSON: That would be wrong, you know. And
19 I'm not that type of a person, your Honor. I truly
20 feel that I've been mistreated and overcharged.
21 There's no way on earth that I've used all of this
22 electric that they're saying that I've used.

1 JUDGE RILEY: Okay. Ms. Merino, you had
2 something to say?

3 MS. MERINO: Yeah, I do.

4 And I think the confusion comes with
5 the reconciliation of the budget bill. Before that
6 I want to say that ComEd has looked at the meter
7 history. All the reads on the account, 99.9 percent
8 are regular reads on the account that are being
9 billed to the Complainant.

10 And also going back to the budget
11 billing, it looks here that even though she was
12 charged under the budget bill for the month of
13 July 15, 2010, the budget billing was 55, but the
14 actual bill amount was \$96.68. Then on
15 October 16 of 2010, the budget bill billed \$70, but
16 the actual bill amount was \$166.89. And then on
17 September 14th of 2010, that's when the budget
18 billing ended and that's the reconciliation that the
19 actual bills were higher than the budget,
20 unfortunately.

21 And when the budget bill got cancelled
22 due to nonpayment, then those actual bills got

1 reconciliated with the actual bills and that's why
2 she got that amount due.

3 JUDGE RILEY: So these are accumulating sums of
4 money based upon that the budget plan payments were
5 not kept up to date.

6 MS. MERINO: That is correct.

7 JUDGE RILEY: Ms. Hudson, do you understand
8 that?

9 MS. HUDSON: I understand what she's saying,
10 your Honor, but I did make my payments. I made my
11 payment every month that I received my bill. The
12 only time that I missed -- that I did not pay was
13 when I went to CEDA and the lady indicated to me
14 that they would pay for that month, that if I made a
15 payment that I would not get assistance for my bill
16 from CEDA, after which I was knocked off the budget
17 plan.

18 I had even called and told them that I
19 had been to CEDA and what CEDA had told me. I
20 never, you know, just sat and was negligent about
21 not paying my bill --

22 JUDGE RILEY: I understand.

1 MS. HUDSON: -- you know. That would have been
2 (inaudible) of me as a person and wrong. That's
3 called stealing. And I'm certainly, your Honor --
4 I'm not a thief. I know that I owe for electrical
5 services. That's quite naturally. Because I have
6 to have electrical services to, you know, have use
7 in my home.

8 JUDGE RILEY: Right.

9 MS. HUDSON: So when they say that I did not pay
10 on purpose, that's not true, your Honor. I pay when
11 I was supposed to pay because for the fact of
12 knowing that when you get on a budget billing
13 payment plan you have to make the full payment and
14 you have to make it on time and if you're more than
15 three times late that then you can be knocked off
16 the budget plan. You can also be reinstated a
17 second time, you know --

18 JUDGE RILEY: That's what Mr. Goldstein has
19 offered.

20 MR. GOLDSTEIN: I offered her a deferred payment
21 plan --

22 JUDGE RILEY: Deferred payment, all right.

1 MR. GOLDSTEIN: -- which is not the same as a
2 budget plan, your Honor.

3 JUDGE RILEY: No, I understand.

4 MR. GOLDSTEIN: And just to correct one thing
5 that she said, we're not accusing her of stealing or
6 anything of the sort.

7 JUDGE RILEY: No, there's no issue of that.

8 MR. GOLDSTEIN: All we're saying is that the
9 last payment that Ms. Hudson made was back in June
10 of 2010.

11 JUDGE RILEY: What does a deferred payment plan
12 mean?

13 MR. GOLDSTEIN: It means --

14 JUDGE RILEY: Or deferred payment?

15 MS. MERINO: It's a payment plan that we an
16 offer Ms. Hudson as to help her as a resolution to
17 this complaint, where she can make, you know, either
18 a 12-month payment plan on what she owes, or even a
19 24-month payment plan, you know, to help her out on
20 this situation, this case alone. It would be
21 finance free.

22 JUDGE RILEY: It will be --

1 MS. MERINO: Finance free, 24-month payment plan
2 of what her outstanding bills are.

3 JUDGE RILEY: And would that include the
4 dropping of late charges and deposits?

5 MS. MERINO: Yes.

6 MR. GOLDSTEIN: Yes. We would come up with a
7 dollar amount, the thousand dollars less the late
8 payment charges and less the requested deposit.

9 JUDGE RILEY: And that could be spread out over
10 12 or 24 months?

11 MR. GOLDSTEIN: We would spread it out over
12 24 months, if that would be agreeable to her.

13 JUDGE RILEY: Ms. Hudson, I think --

14 MS. HUDSON: I'll accept it, your Honor.

15 JUDGE RILEY: You will?

16 MS. HUDSON: I'll accept the 24 payment -- the
17 24-month spread out payment, you know, if they drop
18 out a late fees and stuff like that, because I
19 really would like to get my bill rectified. I don't
20 get much money, so to use a lot of electric, I make
21 it my business not to use over a certain amount.

22 JUDGE RILEY: We appreciate that. Yes.

1 Commonwealth Edison appreciates it, I'm sure.

2 MS. HUDSON: Because I know that I can't pay it.

3 MR. GOLDSTEIN: Ms. Hudson, you understand that
4 if you do sign off on the paperwork and enter into a
5 deferred payment arrangement with ComEd, that
6 deferred payment arrangement is in addition to your
7 monthly electric bill and if you default on your
8 monthly electric bill and make the deferred payment
9 arrangement, you actually defaulted on the deferred
10 payment arrangement.

11 MS. HUDSON: So what are you saying that I would
12 owe, Mr. Goldstein?

13 MR. GOLDSTEIN: We don't have an exact number.
14 Perhaps what we ought to do is continue this matter
15 for about 30 days and we can send something out to
16 you showing you what we think the amount is and if
17 you accept it then we'll sign off on an agreement
18 and you do not have to come to the Commission or do
19 much else.

20 MS. HUDSON: Okay. Because I'll tell you what I
21 can afford to pay a month for my electric bill. I
22 can afford to pay about \$50 a month.

1 MS. MERINO: We cannot control electric service
2 charges pursuant to the usage that's coming from the
3 household.

4 MS. HUDSON: But it's just me that live here.

5 MS. MERINO: And ComEd cannot put somebody on a
6 budget payment plan when they owe \$1,000. The only
7 thing that ComEd can do for Ms. Hudson is put her on
8 a payment plan. She will be responsible for the
9 payment plan monthly payment plus her electric
10 service charges based on the usage coming from her
11 residence.

12 JUDGE RILEY: So it's your monthly usage plus
13 the amount of the payment plan.

14 MR. GOLDSTEIN: That would be in excess of \$50 a
15 month, Ms. Hudson.

16 MS. HUDSON: Okay. You don't think I get a bill
17 for \$150, right?

18 MR. GOLDSTEIN: I can't control -- I don't know
19 what usage you have on a month to month basis. I
20 cannot say what your monthly bill will be, which
21 would include your current electric charges plus
22 whatever the amount is on the deferred payment

1 arrangements.

2 MS. HUDSON: Well, is there some kind of way
3 that I can get some assistance for the thousand
4 dollars that I owe?

5 MS. MERINO: I suggest, Ms. Hudson, that you
6 contact CEDA, or wherever you get your LIHEAP grant,
7 and try to apply for new financial assistance.

8 MS. HUDSON: Well, they told me that the only
9 way -- I did do that. They told me the only way
10 that they can assist me with my electric bill this
11 time is if I had a cut-off notice, then they would
12 pay X amount of dollars because I'm already into the
13 one time emergency fund --

14 MS. MERINO: Right.

15 MS. HUDSON: -- where I received the 400 and
16 some odd dollars when I was telling you all about
17 the two bills that I had connected together from my
18 past residence to my previous (sic), those bills,
19 you know, then were added together. And that's what
20 made me go down to see what is it that I could get
21 to assist me with my electrical bill with the money
22 that I owe from the previous bill because I was

1 being billed like what you're talking about right
2 now, my past bill and my present bill. And sometime
3 those bills would be so expensive so I couldn't pay
4 them. Some months they were 200. Some months they
5 were 300. And I'm only being honest about, you
6 know, what I can pay, what I can't pay, what I have
7 and what I don't have.

8 JUDGE RILEY: Are you certain that you're
9 limited to \$50 a month?

10 MS. HUDSON: I'm certain, your Honor. I don't
11 have very much -- my rent is \$750. And my check
12 that I get once a month is \$830. And out of that I
13 have to pay phone bill, light bill and gas bill.
14 So, you know, I'm limited. That's how come I've
15 always been, you know, careful about how much I use
16 in electrical services because I never want any of
17 my bills to get out of hand like this.

18 JUDGE RILEY: I understand, but we're kind of at
19 an impasse then because I don't know if there's much
20 Commonwealth Edison --

21 MS. HUDSON: I understand, your Honor.

22 JUDGE RILEY: -- I don't know if there's much

1 that Commonwealth Edison can do.

2 MS. HUDSON: This bill is humongous, a thousand
3 dollars.

4 MR. GOLDSTEIN: Judge, let me suggest this.
5 Let's see what we can do to try to help Ms. Hudson.
6 Perhaps, we can just continue this matter over 30,
7 45 days and see what we can do to help her.

8 JUDGE RILEY: I'm inclined to agree with you.
9 But spreading those payments out over 24 months --
10 well, I suppose we can crunch numbers all day long
11 and without knowing what her usage is from month to
12 month it's not going to make much difference.

13 I agree with Mr. Goldstein.
14 Ms. Hudson, is that okay with you that we just
15 continue this matter for another 30 to 45 days and
16 continue to work with Commonwealth Edison to get the
17 matter cleared up?

18 MS. HUDSON: That's fine.

19 JUDGE RILEY: Today is the 17th of May and the
20 30-day mark would be roughly June 17; however, I
21 will not be available.

22 MR. GOLDSTEIN: How about the second week in

1 July, Judge.

2 JUDGE RILEY: That far along?

3 MR. GOLDSTEIN: Yes.

4 JUDGE RILEY: That's a full two months about.

5 MR. GOLDSTEIN: That's okay.

6 JUDGE RILEY: Is that all right with you,

7 Ms. Hudson?

8 MS. HUDSON: That's fine, your Honor.

9 JUDGE RILEY: What specific date did you have in

10 mind?

11 MR. GOLDSTEIN: July 12th?

12 JUDGE RILEY: July 12. 10:00 a.m. --

13 11:00 a.m.?

14 MR. GOLDSTEIN: Yes.

15 JUDGE RILEY: Do it at 11:00 a.m.

16 That is a considerable amount of time.

17 The parties should be able to make some strides in

18 clearing this matter up.

19 MS. HUDSON: Okay.

20 JUDGE RILEY: And that will be for a status.

21 That will not be for an evidentiary hearing.

22 Again, it will be on the record. It

1 will just be a conversation and we'll see where we
2 are at that time.

3 Ms. Hudson, if you're unable to make
4 it down here in person, please advise me and we'll
5 make arrangements to contact you by phone again.

6 MS. HUDSON: Okay. Well, can we just go ahead
7 and do the contact by phone where you write it down
8 and you remember to contact me by phone, your Honor?

9 JUDGE RILEY: It will be the same number?

10 MS. HUDSON: Yes, sir.

11 JUDGE RILEY: All right. Is there any objection
12 to that, Mr. Goldstein?

13 MR. GOLDSTEIN: No objection.

14 JUDGE RILEY: Okay. We'll do this
15 telephonically next time, as well.

16 MS. HUDSON: Okay. I appreciate that.

17 JUDGE RILEY: Certainly.

18 We are continued then to July 12 at
19 11:00 a.m. and we'll reconvene at that time and see
20 where we are.

21 MS. HUDSON: Okay.

22 JUDGE RILEY: Thank you, Ms. Hudson.

1 MS. MERINO: Thank you, Ms. Hudson.

2 MR. GOLDSTEIN: Thank you, Judge.

3 MS. HUDSON: Thank you, your Honor.

4 (Whereupon, the above-entitled
5 matter was continued to
6 July 12, 2011, at 11:00 a.m.)

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